

E-01345A-13-0069



**ORIGINAL** ARIZONA CORPORATION CC

UTILITY COMPLAINT FORM

RECEIVED

**Investigator:** Richard Martinez

**Priority:** Respond Within Five Days 2013 JUN 26 A 9:43

**Opinion** **No. 2013 - 111362** **Date: 6/25/2013**

**Complaint Description:** 08A Rate Case Items - Opposed  
01H Billing - Smart Meter

**First:**

**Last:**

**Complaint By:**

Jitka

Mencik

**Account Name:**

Jitka Mencik

**Home:** (000) 000-0000

**Street:**

email address

**Work:**

**City:**

Prescott

**CBR:**

**State:**

AZ Zip: 86303

**is:** E-Mail

**Utility Company:**

Arizona Public Service Company

**Division:**

Electric

**Contact Name:**

For assignment

**Contact Phone:**

**Nature of Complaint:**

Docket No. E-01345A-13-0069

Arizona Corporation Commission

DOCKETED

JUN 26 2013

DOCKETED BY

TM

Dear Arizona Corporation Commission:

Before commenting on the Arizona Public Service company application to impose fees on customers wishing to opt out of smart meter installation, I would like to say that it is unlawful and unconscionable that this harmful technology is permitted to be implemented at all. We ought to be discussing the banning of the smart grid and its meters, as enough is known of the dangers of microwave radiation. They should never have been permitted in the first place. The primary consideration should be public health, not the wishes of electric utilities. Opting out is inadequate for the protection of an individual's health, as the whole grid will constantly fire pulsed microwaves throughout a given neighborhood and escape will be impossible even for persons who opt out. Our freedom is being trampled and it is unconstitutional. APS is not an elected body that is authorized to dictate public policy. That's what we have Congress and state legislatures for!

The APS is in violation of the following Arizona revised statute:

A.R.S. 40-361.6 : Every public service corporation shall furnish and maintain such service, equipment and facilities as will promote the safety, health, comfort and convenience of its patrons, employees and the public, and as will be in all respects adequate, efficient and reasonable.

It is the responsibility of this commission to compel APS to comply with the law:

A.R.S. 40-321.A: When the commission finds that the equipment, appliances, facilities or service of any public corporation .... Are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine what is just, reasonable, safe, adequate or sufficient and shall enforce its determination by order or regulation.

It should be obvious that the forcing of harmful metering devices and the imposition of the smart grid on the public is highly unsafe, unreasonable and improper and the ACC needs to move to put a stop to it.

Further, A.R.S. 40-202.c.1 directs the ACC to: Protect the public against deceptive, unfair and abusive business

# ARIZONA CORPORATION COMMISSION

## UTILITY COMPLAINT FORM

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practices, practices related to deposit requirements and reconnection fees, intrusive and abusive marketing, deceptive or untrue advertising practices .....

This brings us to the subject of this docket. APS is requesting abusive, coercive and unreasonable fees for opting out of their harmful meters. Since the customers who are opting out are retaining their old equipment, and already paying for meter reading, NO additional fees are justified.

APS is further stating that: "Customers taking service under Schedule 17 (opting out of smart meters) will be placed on the Company's Rate Schedule E-12 once the requested analog meter is installed at the customer's residence. Rate Schedule E- 12 is the only residential rate option in which charges (other than the basic service charge) are based solely on non-timed kilowatt-hour usage. As discussed above, analog meters cannot record energy usage by time intervals; therefore, no other residential rate schedule will be available to opt-out customers.

Most of us already have digital meters which permit saving plans based on time of day, so APS is taking a punitive position toward customers wishing to opt out of smart meters. This is unacceptable and ACC should not permit this. We should have the option of staying on the same plan if we wish.

Finally, A.A.C. R14-2-209.A.1 provides for the option of customers reading their own meters. If the ACC decides to approve monthly reading fees (to the detriment of the public), they ought at least to direct APS to provide this option. There are many people who are already struggling to pay APS's exorbitant rates and this is just another injury added to insults and injuries.

Thank you for considering my comments.

Jitka Mencik  
Payson, AZ  
\*End of Complaint\*

### **Utilities' Response:**

### **Investigator's Comments and Disposition:**

6/25/13  
Emailed to the Phoenix office for docketing.  
FILE CLOSED.  
\*End of Comments\*

**Date Completed:** 6/25/2013

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